In the High Court of Punjab and Haryana, at Chandigarh.

1. **C.W.P. No.6319 of 1989**

Date of Decision: 29.10.2007

C.D.Shad and Others …Petitioners

Versus

State of Punjab …Respondent

2. **C.W.P. No.11099 of 1990**

Amarjit Singh Sandhu and Others …Petitioners

Versus

State of Punjab …Respondent

3. **C.W.P. No.11124 of 1990**

Manohar Lal and Others …Petitioners

Versus

State of Punjab …Respondent

4. **C.W.P. No.13548 of 1990**

Rajinder Kaur and Others …Petitioners

Versus

State of Punjab …Respondent

5. **C.W.P. No.106 of 1991**

Bhagwan Dass and Others …Petitioners

Versus

State of Punjab …Respondent

AND

6. **C.W.P. No.7243 of 1992**

Surinder Kaur and Others …Petitioners

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: None for the petitioners.

Mr.Ram Lal Gupta, Additional Advocate General,
Punjab, for the respondent.

RAJESH BINDAL, J.

1. This order of mine shall dispose of a bunch of Civil Writ Petitions bearing Nos. 6319 of 1989, 11099, 11124 and 13548 of 1990, 106 of 1991 and 7243 of 1992, involving the same questions of facts and law.

2. The facts have been noticed from C.W.P. No.6319 of 1989.

3. The prayer made in the petition is for a direction to the respondent to grant one pre-mature increment to the petitioners w.e.f. February 8, 1978 in terms of Punjab Government order dated June 16, 1978 and also for quashing of the communication dated October 26, 1988 rejecting the prayer made by the petitioners for grant of such an increment.

4. The facts, as mentioned in the petition, are that the petitioners are Punjab Government employees but at the relevant time were working on deputation with the Chandigarh Administration on different posts as stated in

the petition. There was a call for a State wide strike on February 8, 1978 by the Punjab Government employees for acceptance of their demands. Some of the employees participated in the strike, whereas some did not. The State Government vide circular letter dated June 16, 1978 extended benefit of one pre-mature increment to its non-gazetted employees who did not participate in strike on February 8, 1978. Perusal of the communication shows that prior to the proposed strike on February 8, 1978, the Government had warned the employees not to resort to strike as their demands were already under consideration with the Government. However, still some of the employees went on strike, whereas some did not. In appreciation to this gesture of discipline by the employees who did not resort to strike the Government decided to extend one pre-mature increment in the scale of pay in which they were working on February 8, 1978 by operation of Rule 4.10 of the Punjab Civil Services Rules Volume I Part I. The increment was to be effective from February 8, 1978 and was not to disturb the date of normal increment. However, this decision was not applicable to those employees who had already reached the maximum of the scale of pay as on the cut off date.

5. The order dated June 16, 1978 granting one pre-mature increment was further clarified vide letter dated January 6, 1979 granting the benefit of increment to the employees of the State of Punjab working in the State offices located even outside the State. In a further clarification vide communication dated February 20, 1979, the employees who were working on deputation with Chandigarh Administration or any other Government/Organization were excluded for the purpose of benefit of pre-mature increment. As far as the employees working on deputation with State Corporations/Bodies/Boards were concerned, choice for implementation of decision was left to their discretion.

6. The case set up by the petitioners in the petition is that since the parent State to which they belong is State of Punjab and if any benefit is extended to the employees of the State of Punjab, the same be automatically given to the petitioners who though at the relevant time were working on deputation with the Chandigarh Administration.

7. On the other hand, the stand of the respondent is that the call for the strike was not for the employees who were on deputation with the Chandigarh Administration. Even though as per the rules, the employees on deputation with the Chandigarh Administration or Bhakra Beas Management Board or Beas Construction Board is treated as service in the interest of

State of Punjab. But still that does not mean that those employees will be entitled to all the benefits which were extended to the employees working in the State of Punjab, rather when on deputation, an option is exercised by them as to whether they want to opt for the benefits extended by the State of Punjab or the Central Government. Further, it is mentioned that the benefit of pre-mature increment was extended by the State of Punjab to the employees on deputation with the Bhakra Beas Management Board for the reason that a reference was made by the Bhakra Beas Management Board to the State of Punjab for clarification to that effect. However, no such proposal was made by the Chandigarh Administration to the respondent.

8. No one has appeared on behalf of the petitioners.

9. Mr.Ram Lal Gupta, learned Additional Advocate General, Punjab, appeared for the respondent.

10. Having heard learned counsel for the respondent, I do not find any merit in the present petition. Perusal of various documents on record shows that call for strike was for the employees of the State of Punjab and as per the stand of the respondent in the written statement it was not for the employees who were working on deputation with the Chandigarh Administration or the other Board/Corporations. In the order passed by the respondent giving pre-mature increment to the employees of the State of Punjab who did not join call for strike will not automatically be applicable to the employees working with the other establishments/Government on deputation unless the same is specifically granted by the respondent. It cannot be disputed that it was a matter of policy decision of the Government to grant pre-mature increment to its employees who did not participate in the strike. It is further evident that it was a conscious decision of the respondent not to enforce the decision to other Government/Boards/Corporations for grant of similar benefit to the employees working on deputation with them as it was left at their option. There is no material on record to show that at any time, the Chandigarh Administration adopted the policy decision of the respondent to grant the benefit of one pre-mature increment to the employees on deputation from State of Punjab nor it made any reference to the State of Punjab for clarification. Chandigarh Administration is not even party-respondent in the present petition.

11. Under the factual matrix mentioned above, it would not be appropriate for this Court to enforce the policy decision taken by the respondent to grant one pre-mature increment to the employees of

respondent to even the employees working on deputation with Chandigarh Administration when the same has not been adopted by Chandigarh Administration.

12. Accordingly, I do not find any merit in the present petitions and the same are dismissed.

(Rajesh Bindal)
Judge

DATED: 29.10.2007
"DK"